REMARKS

This responds to the Office Action mailed on September 9, 2003.

Claims 69, 72, 75, 84, 85, 87, 94, 98, 99, 105-108, 114, 115, 117, 120, 122-124, 127 and 129 are amended, claims 113, 121, 128, 130, 131, 133 and 134 are canceled; and as a result, claims 69-112, 114-120, 122-127, 129, 132, and 135 are now pending in this application.

§102 Rejection of the Claims

Claims 69-71, 75-78, 80-88, 91 and 92 were rejected under 35 USC § 102(e) as being anticipated by Farese et al. (U.S. 4,996,685 hereinafter "Farese").

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Applicant respectfully submits that the Office Action has failed to make out a prima facie case of anticipation in that Farese does not teach each and every element of the claim as arranged in the claim.

With respect to claim 69, Applicant respectfully points out that an embodiment of the present invention requires the automatic configuration of the communication apparatus using initial configuration data stored in the communication apparatus. Applicant further points out that it is clear from the preamble to the claim and from the latter part of the claim that the configuration system is distinct from a service system a communication to which the communication apparatus is being configured for. Farese simply teaches the modification of a communication between a host computer and a remote user via a switch. Applicant respectfully submits that there is no teaching or suggestion of the use of a separate independent configuration

system to obtain configuration data therefrom, An embodiment of the present invention provides that the configuration data is obtained from a system *separate* from the host system, using the terminology of Farese. A separate provision of such configuration data is neither taught nor suggested in Farese.

The Office Action contends that the login information transmitted from the user to the host computer comprises unique identification information in accordance with claim 69. Applicant respectfully points out that while the login information could be considered to be unique identification information, it can not be considered to be unique identification information in accordance with claim 69, since claim 69 clearly requires that the unique identification information is transmitted to the configuration system which is clearly separate to the service system. Farese, again, neither teaches nor suggests the use of a configuration system separate from the service system. Applicant further points out that Farese does not use the login information to generate any configuration data. In Farese, the switching between the use of the B and D channels is controlled by the host computer in dependence on the requirements of the host application running on the host computer. Applicant respectfully points out that there is no direct or indirect link between the login information transmitted to the host computer and the determination of any configuration data.

With respect to claim 69, Applicant respectfully asserts that Farese does not teach nor suggest the use of a separate configuration system to the service system accessed by the communication apparatus. Further, Farese does not teach the determination and provision of configuration data from a separate configuration system to the service system to be accessed once the communication apparatus is configured or reconfigured.

With respect to claims 70 and 71, Applicant respectfully submits that as these claims are dependent on claim 69 the features of these claims in combination with claim 69 are neither taught nor suggested by Farese.

With respect to claim 75, Applicant respectfully submits that an embodiment of the present invention requires a storage for storing requires a storage for storing unique identification information to access at least one service system. Assuming the interpretation of Farese presented in the Office Action, which is not admitted, the Office Action considers that the

apparatus comprises the ISDN Central Office w/Switch and the identification information comprises login authentication information described in column 21 lines 10 – 27. However, claim 75 requires the unique identification information to be stored in a storage together with configuration data. The switch in accordance with the Office Action's interpretation does not teach or suggest such a storage. In fact, since it is merely acting as a switch, provision of such a storage would go against the usual requirements of a switch. The switch is simply there to transparently pass on the login information from a user to the host computer. An embodiment of the present invention also requires that the processor is operable to control the second I/O to receive configuration data from the configuration system, to store said configuration data and to control access to a service system in accordance with the received configuration data. In Farese there is no separate configuration system disclosed, only a host computer which is accessed by a user. Thus the provision of a processor operable in accordance with claim 75 to access a configuration system is neither taught nor suggested. The embodiments of Figures 1, 2 and 3 in the present application clearly show a configuration or management system separate to the service provision system. Applicant respectfully submits that this difference is clear when compared to Figure 1 in Farese where only one host site is provided.

With respect to claims 76-78, 80-88, 91 and 92, Applicant respectfully submits that as these claims are dependent on claim 75 the features of these claims in combination with claim 75 are neither taught nor suggested by Farese.

For the reasons stated above, Applicant respectfully requests withdrawal of the § 102 rejection and reconsideration of the allowance of claims 69-71, 75-78, 80-88, 91 and 92.

§103 Rejection of the Claims

Claims 72-74 and 90 were rejected under 35 USC § 103(a) as being unpatentable over Farese (U.S. Patent No. 4,996, 685) as applied to claims 69-71, 75-78, 80-88, 91 and 92 above, and further in view of Ashton et al. (U.S. Patent No. 6,181,679 hereinafter "Ashton").

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge

generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

Applicant respectfully submits that the Office Action has failed to make a prima facie case of obviousness in that even if combined, the cited references fail to teach or suggest all of the elements of applicant's claimed invention.

Applicant respectfully points out that Ashton is merely concerned with the management of packets in a transmission network. The remote configuration of a communication apparatus using the configuration data provided by a configuration system to enable the communication apparatus to access a service system is neither taught nor disclosed by Ashton, even in combination with Farese.

For the reasons stated above, Applicant respectfully requests withdrawal of the § 103 rejection and reconsideration of the allowance of claims 72-74 and 90.

Claims 79, 89 and 93 were rejected under 35 USC § 103(a) as being unpatentable over Farese (U.S. Patent No. 4,996, 685) as applied to claims 69-71, 75-78, 80-88, 91 and 92 above, and further in view of Bhatia et al. (U.S. Patent No. 6,118,768 hereinafter "Bhatia").

Applicant respectfully points out that Bhatia is concerned with the automatic adaptation of a LAN modem to the current network environment of a workstation to which it is connected. Applicant respectfully submits that Bhatia neither teaches nor discloses a provision of configuration data from a configuration system to a communication apparatus to enable a communication apparatus to access a service system. The combination with Farese does not cure this defect.

For the reasons stated above, Applicant respectfully requests withdrawal of the § 103 rejection and reconsideration of the allowance of claims 78, 89 and 93.

Claims 94-135 were rejected under 35 USC § 103(a) as being unpatentable over Farese (U.S. Patent No. 4,996, 685), Ashton et al. (U.S. Patent No. 6,181,679) and Bhatia et al. (U.S. Patent No. 6,118,768).

With respect to claims 94-135, Applicant respectfully points out again that both Ashton and Bhatia do not teach or disclose a provision of configuration data from a configuration system

to a communications apparatus to enable a communication apparatus to access a service system. The combination with Farese does not cure this defect.

Applicant respectfully further submits that Ashton is concerned with a network management system which monitors and controls a frame relay network using management information transmitted directly or across the frame relay network itself. Within each network control program (NCP) local management is provided to generate network management vectors containing network status information to a network management system. The network management vectors contain status information as indicated in Tables 1 and 2 in Ashton. The network management system comprises a central management system for the network which receives the network management vectors and processes them.

Applicant respectfully submits that Ashton does not disclose apparatus for interfacing a computer system to a communication access service. Ashton is not concerned with interfacing a computer system. It is instead concerned with network management. Further, there is no disclosure of a processor which is responsive to a clock to gather information on the use made of that service by the computer system with respect to time or the processing of the information periodically to generate summary information or the transmission of the summary information periodically to a remote management system. In accordance with claim 114, information on the use made of the service by a computer system is processed in an apparatus interfaced to a computer system to generate summary information which is then transmitted to a remote management system. As explained in the patent specification, this processing to produce summary information reduces the bandwidth requirement for the transmission of information to the remote management system. Applicant respectfully asserts that in Ashton there is no disclosure of such a type of processing. It is thus submitted that the features of claim 114 are neither taught nor suggested in Ashton.

Applicant respectfully points out that Bhatia does not disclose the gathering, processing, and transmission of information on use made of the service by a computer system. It is merely concerned with the adaptation of a LAN modem automatically to a current network environment of a workstation to which it is connected. It is thus submitted that the features of claim 114 are neither taught nor suggested in Bhatia.

Applicant respectfully submits that as claims 115-120 are dependent upon claim 114, the features of those claims in combination with claim 114 are neither disclosed or suggested in the references.

With respect to claim 122, Applicant respectfully points out that claim 122 defines an apparatus for communicating with a remote system over a network to access a service in which a processor responds to a clock to gather and process information on the use made of a service by a computer system to produce summary information which is transmitted periodically to a remote management system. Applicant respectfully asserts that for at least the reasons stated above, claim 122 is allowable.

With respect to claims 123-126, Applicant respectfully points out that they are dependent on claim 122 and that in combination with 122, none of the prior are references disclose or teach the features of claim 123-126.

With respect to claim 127, Applicant respectfully points out that claim 127 defines a method for monitoring communications between a communication apparatus and a remote system over a network to access a service. Information is gathered over a period of time on the use of the service made by the communication apparatus. The information is periodically processed to generate summary information which is periodically transmitted to a remote management system. Applicant respectfully submits that claim 127 is allowable for at least the same reasons as argued above in relation to claim 114.

With respect to claim 129, Applicant respectfully points out that they are dependent on claim 127 and that in combination with 127, none of the prior are references disclose or teach the features of claim 129.

With respect to claim 132, Applicant respectfully points out that claim 132 defines a server apparatus for communicating via a network with a plurality of reconfigurable communication devices. The apparatus includes means for storing a plurality of different first reconfiguration data related to different communication devices. In Farese, the host computer is not suitable for communicating via a network with a plurality of reconfigurable communication devices. Further, there is no storage of configuration data related to different communications devices. Taking the Office Action's interpretation of Farese, which is not admitted, the only configuration data which the host computer can generate with the assistance of the broker PC, is

configuration information to switch between the D and B channels. This is not configuration data related to different communication devices in accordance with claims 132. An embodiment of the present invention also requires means responsive to receipt of unique identification data from a communication device for transmitting the configuration data to the communication device to permit the communication device to be placed in a first reconfiguration condition. In Farese the login information transmitted to the host computer does not cause the transmission of reconfiguration data. The host computer transmits data to switch between the D and B channels independent upon the host application running. Thus Farese does not teach or suggest use of means responsive to the receipt of unique identification data for transmitting configuration data to the communication device to provide for the reconfiguration of the device and the combination with Ashton and Bhatia does not cure this defect.

With respect to claim 135, Applicant respectfully submits that claim 135 is allowable for at least the reasons stated above in relation to claim 132, in that Farese does not teach nor disclose the elements of the invention, and the combination with Ashton and Bhatia does not cure this defect.

For the reasons stated above, Applicant respectfully requests withdrawal of the § 103 rejection and reconsideration of the allowance of claims 94-112, 114-120, 122-127, 129, 132, and 135..

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date March 9, 2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9th day of March, 2004.

Patricia A. Hoffman

Name

Signature